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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,111	01/08/2002	Roger Javier Justo	TUC920000094US1	4477
7590	01/14/2005		EXAMINER	
Dale F. Regelman Hayes, Soloway, Hennessey, Grossman & Hage, P.C. 130 W. Cushing Street Tucson, AZ 85701			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**P**riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

Responsive to communication(s) filed on 11/12/04

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1 - 49 is/are pending in the application.

Of the above claim(s) 1 - 21, 36 - 49 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 22 - 35 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

**Application Papers**

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Pri**ority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Oth r \_\_\_\_\_

**Office Action Summary**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 22-35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, applicants' claim language in independent claim 22 is vague, indefinite and confusing with respect to the first five lines of the claim, particularly lines 4 and 5, wherein it is stated that a flexible thermally conductive assembly is "disposed between" a plurality of heat dissipating components which are disposed within an enclosure. That is, the phrase "disposed between" fails to set forth any meaningful relationship between the first three elements of the claim, i.e. an "enclosure", a "plurality of heat dissipating components disposed within said enclosure" and, as previously pointed out, an assembly which is "disposed between" these first two cited elements. Additionally, the Examiner notes that it might have been more desirable to not have amended claim 23 in the manner chosen by applicants, but rather to have cancelled the claim and to have put the amended claim in a new claim 50.

3. Claims 22-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi taken in view of newly relied

upon Ameen et al. The primary reference is again relied upon substantially as previously set forth, as disclosing applicants' claimed structure in its intended environment, i.e. adjacent a plurality of heat dissipating components in an enclosure wherein a flexible thermally conductive assembly is formed from a suitable conductive elastomeric member (column 4 lines 16-24) having an electrically insulating "first coating" such as a polyimide film being present. The newly relied upon secondary reference discloses (note particularly column 1 lines 6-9, column 2 lines 11-43, column 4 lines 14-19) the utilization of a thermally conductive epoxy or other non-silicone polymeric film to form useful coatings and encapsulation of electronic solid state devices and other substrates as a method for increasing heat dissipation (column 2 line 18, lines 28-43). With respect to the newly presented limitation that the first coating has a dielectric strength of at least 500 volts per mil, the Examiner believes this limitation to be inherent, or at most an obvious optimization to one of ordinary skill. Additionally, the Examiner believes that there is more than ample motivation to combine the primary reference with Ameen et al., one of ordinary skill being motivated by an expectation of improved thermal dissipation properties would incorporate the aforementioned conductive compositions and films of Ameen et al. into the heat

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conducting layers of the primary reference and thereby either form, or clearly render obvious, the claimed genus of articles. With respect to the dependent claims, these are again treated as previously set forth, in the absence of unexpected results.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Serial No. 10/041,111

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Dzirker:cdc

January 11, 2005

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1900  
1700

*Daniel Zirker*